

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY C. ALLEN,)	
)	
Plaintiff,)	Civil Action No. 07-1398
)	
v.)	Judge Schwab
)	Magistrate Judge Caiazza
JEFFREY A. BEARD, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Anthony C. Allen's civil rights complaint was received by the Clerk of Court on October 16, 2007. The matter was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on June 17, 2008 (Doc. 42), recommended that the motions to dismiss filed by the Defendants be denied. The parties were allowed ten days from the date of service to file objections. Objections were due on or before July 3, 2008, but none have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 11th day of July, 2008,

IT IS HEREBY ORDERED that the Motions to Dismiss filed by the Defendants (Docs. 30 and 34) are DENIED.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 42), dated June 17, 2008, is adopted as the opinion of the court.

s/Arthur J. Schwab
Arthur J. Schwab
U.S. District Court Judge

cc:

ANTHONY C. ALLEN
BQ-6634
SCI Fayette
Box 9999
LaBelle, PA 15450